

NUMBER CDD-7

## PROPOSED COUNCIL STUDY ISSUE

For Calendar Year: 2005New           Previous Year (below line/defer) XIssue: Tree Removal Ordinance UpdateLead Department: Community Development DepartmentGeneral Plan Element or Sub-Element: Land Use and Transportation Element**1. What are the key elements of the issue? What precipitated it?**

It has been approximately 10 years since the City adopted its criteria and process for evaluating tree removal on private property. The City processes 300-350 tree removal permits per year. Approximately 10 tree removal permit appeals are heard by the Planning Commission each year. In addition staff follows up on potential destruction and removal cases where the property owner has not acquired a Tree Removal Permit. Current codes require taking a property owner to court when there has been a violation. Due to the cumbersome process Community development staff and the Office of the City Attorney have developed practices to replace the value of the lost tree or negotiate a settlement through other means.

The study would review current practices, conduct a survey of neighboring cities and model ordinances and determine recommended changes to Sunnyvale's practices. The timeliness of this issue as well as the need to reevaluate the City's criteria and commitment to the tree preservation effort was identified by the Planning Commission.

This issue was ranked 14 out of 17 in 2004, which fell below the line.

**2. How does this relate to the General Plan or existing City Policy?**

*Land Use and Transportation Element*

Goal C: Preserve and enhance an attractive community, with a positive image and a sense of place that consists of distinctive neighborhoods, pockets of interest, and human-scaled development.

*Community Design Sub-Element*

Goal A: Promote Sunnyvale's image by maintaining, enhancing and creating physical features which distinguish Sunnyvale from surrounding communities and by preserving historic buildings, special districts and residential neighborhoods

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which make the City unique.

**3. Origin of issue:**

**Council Member(s):** \_\_\_\_\_

**General Plan:** \_\_\_\_\_

**City Staff:** \_\_\_\_\_

**Board or Commission (identify name of the advisory body from the list below):** \_\_\_\_\_

(Arts, Building of Code Appeals, BPAC, Child Care, Heritage, Housing and Human Services, Library, Parks and Recreation, Personnel and Planning)

**Planning Commission ranked this study issue 3T of 12 for 2005.**

**Board or Commission ranking comments:**

**4. Multiple Year Project? Yes\_\_\_ No X Expected Year Completed 2005**

**5. Estimated work hours for completion of the study issue (use 5 or 8-hour increments):**

(a) Estimated work hours from the lead department \_\_\_\_\_ 250

(b) Estimated work hours from consultant(s) if applicable: \_\_\_\_\_

(c) Estimated work hours from the City Attorney's Office: \_\_\_\_\_ 30

(d) Estimated work hours from Finance: \_\_\_\_\_

(e) Estimated work hours from other department(s):

Department: Public Works \_\_\_\_\_ 100

Department: \_\_\_\_\_

Department: \_\_\_\_\_

**Total Estimated Hours:** \_\_\_\_\_ 380

**6. Expected participation involved in the study issue process?**

(a) Does Council need to approve a work plan? Yes\_\_\_ No X

(b) Does this issue require review by a Board/Commission? If so, please list below: Yes X No\_\_\_

Planning Commission

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(c) Is a Council Study Session anticipated?

Yes \_\_\_ No X

(d) What is the public participation process?

In addition to standards hearing noticing practices, staff will conduct outreach to the community and to commercial tree removal companies and arborists in the Sunnyvale vicinity

## 7. Cost of Study: Please mark appropriate item below.

X Costs covered in operating budget - 242 Community Planning\_\_\_ Costs covered by project - NA\_\_\_ Budget modification needed for study - NA

Explain below what the additional funding will be used for:

## 8. Potential fiscal impact to implement recommendations in the Study approved by Council, if any:

Mark a range for the items below:	\$500 or none	\$50K or less	\$51K - \$100K	\$101K - \$500K	\$501K or more
Capital expenditure range	X				
Operating expenditure range	X				
New revenues/savings range		X			

## Explain impact briefly:

Current process collects fines and requires replacement trees, issue address standardizing procedures. A simplified program for fines not requiring court action could result in revenues from fines associate with illegal tree removals.

## 9. Staff Recommendation for this calendar year:

"For" Study X Explain: It has been ten years since the ordinance was adopted. Current processes take up considerable staff time. A simplified version to assess fines and penalties would assist in administering the regulations.


"Against" Study \_\_\_ Explain. If staff suggests that this study should not be considered again in the future or deferred at this time, please include this in your explanation:

No Recommendation \_\_\_

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Note: If staff's recommendation is "for study" or "against study", the Director should note the relative importance of this Study to other major projects that the department is currently working on or that are soon to begin, and the impact on existing services/priorities.

Reviewed by

  
\_\_\_\_\_  
Department Director

11/5/04  
\_\_\_\_\_  
Date

Approved by

  
\_\_\_\_\_  
City Manager

11/9/04  
\_\_\_\_\_  
Date